

**Summary Minutes
City of Sedona
Board of Adjustment Meeting
Vultee Conference Room, Sedona City Hall, Sedona, AZ
Friday, December 2, 2011 – 1:00 p.m.**

1. Verification of Notice, Call to Order, Pledge of Allegiance and Roll Call.

Chairman Gilgoff called the meeting to order at 1:00 p.m.

Roll Call:

Board Members: Chairman Joel Gilgoff, Vice Chairman Gary Rich and Board Members Larry Beddome and Robert Gordon. Board Member Alex Gillon was excused.

Staff: Nick Gioello and Donna Puckett

Council Liaison: Dan McIlroy

Chairman Gilgoff explained that the Board of Adjustment acts as a quasi-judicial branch of the City that allows property owners to appeal decisions of the Zoning Administrator or ask for zoning variances. The format of the meeting will be that Nick Gioello will present the City's findings for each of the agenda items, and then the applicant can speak, after which the hearing will be opened for public comment. Once the public comment period is closed, the Board will discuss the request and making a ruling.

2. Approval of minutes for the following meetings: September 21, 2011

The Chairman confirmed that the Board Members had seen the minutes and asked for a motion to approve the minutes.

MOTION: Board Member Gordon so moved. Vice Chairman Rich seconded the motion. VOTE: Motion carried four (4) for and zero (0) opposed. (Gillon excused)

3. CONSIDERATION OF THE FOLLOWING REQUEST(S) THROUGH PUBLIC HEARING PROCEDURES:

A. Discussion/possible action regarding a request for a variance to expand an existing garage that encroaches into the required front yard setback in the RS-36 (Single-family Residential) zoning district. The applicant is requesting to expand the existing single car garage into a two-car garage. The subject property is located at 995 E. Park Ridge Drive, Sedona Arizona, and is also identified as Assessor's Parcel Number 401-05-008D. A general description of the area affected includes but is not necessarily limited to the area south of East Park Ridge Drive, between Jordan Road and Thompson Trail. Appellant: Al & Jodie Filardo. Case Number: V2011-2.

Nick Gioello explained that this is a request to expand a guesthouse with a garage that is an existing legal non-conforming encroachment in the front yard and, as far as staff knows, the structures were built before the City incorporated. Staff looked at the site and discussed the ramifications of trying to locate it somewhere else, and it would require the removal of nice courtyards and mature vegetation, so there really was no other option, plus the fact that the area in question is directly in front of an access easement across the other properties, as shown on the site plan submitted and in the aerial view, so staff doesn't feel there is any negative issue that would be created by allowing the building to be expanded into a two-car garage, and there would be no ability to build something on the other side of this property line.

Additionally, Nick explained that the applicant is actually requesting to add a two-bay garage to this building and the existing garage bay would be converted into a workshop, so the Staff Report needs to be corrected, because he had indicated that it was to add one more bay for the

two-car garage; however, staff doesn't feel that makes any difference in this application. Nick then noted that he had provided the breakdown of how it fits into staff's findings -- that due to the special circumstances of the property, the building already being in place, the property being well developed, and the request for a two-car garage not being unusual in that most people want to protect their vehicles, plus the fact that there aren't any other extenuating circumstances or anything negative that would occur by granting the variance. Nick then pointed out that the applicant's agent, Mike Reynolds, is present.

Board's Questions:

Chairman Gilgoff asked if Mike Reynolds needs to speak and Mr. Reynolds indicated that he is present to answer questions.

Board Member Gordon pointed out that Nick had indicated a 24 ft. expansion and he paid more attention to that than the number of garage bays.

Chairman Gilgoff opened the public comment period and having no requests to speak, closed the public comment period.

Summary Discussion:

Having no items for discussion, the Chairman asked if somebody would like to make a motion.

MOTION: *Board Member Beddome moved for approval of case number V2011-2 based on compliance with required ordinance findings as set forth in this Staff Report. Board Member Gordon seconded the motion. VOTE: Motion carried four (4) for and zero (0) opposed. (Gillon excused)*

- B. Discussion/possible action regarding a request for a variance to construct a single-car carport within the required front setback in the RS-10a (Single-family Residential) zoning district. The subject property is located at 45 Pierce Drive and is further identified as Assessor's Parcel Number 408-28-182A. A general description of the area affected includes but is not necessarily limited to the area east of the intersection of Pierce Drive and Essex Avenue. Applicant: A. Rinzi Zwerin. Case Number: V11-3**

Nick Gioello indicated this is a request for a carport and the case number is V2011-3. Nick then asked if the Board Members received the picture of what exists today that was distributed separately and showed the Board a copy. Nick explained that the applicant's house is located at the end of a cul-de-sac that serves three properties. Previous to this application, the applicant got a Building Permit for the existing carport, which is out of the setback, but next to the front edge of the 20 ft. front setback, and with the mature juniper to the right of it, that single carport was all he could build. Now, he needs another one, because they have two cars. They initially looked at placing it in the side yard, but it would have pushed it right up to the property line to the neighbor on the right, so the applicant felt that was not as good a location as parking it close to the front of the house. The only ability the applicant has is to the right of that existing carport, in front of the mature juniper tree, or he would have to alter the steps, etc., and put it right up next to the house, and then there would be issues with the lack of separation and it would have to be attached, so staff felt a variance in this case to place it right into the front setback would not be detrimental, since there is a very large cul-de-sac that only serves a couple of houses and a very low volume of traffic, plus given that there is no other place to locate a carport. Nick indicated that he had provided the breakdown of the criteria, which is similar to the last one, in that it is not unusual for someone to request the ability to cover their cars from the elements. Nick then pointed out that the applicant is present if there are any questions and added that the carport will look almost identical to the existing carport.

Board's Questions of Staff:

Chairman Gilgoff asked if it will be kind of straddling the tree in that pad area and Nick indicated that is correct and pointed out that you can see the difference in the asphalt coloring. Nick then

explained that is the front setback area of the property and the transition is the edge of the property line between the street and the applicant's asphalt pad, and they would be right to the edge of the discoloration on the asphalt.

Board Member Beddome asked if there is no way to put an enclosed building without the need for a bigger variance. Chairman Gilgoff stated that the Board can grant that. Nick then explained that you run into the same issue of having to remove a tree to do that, and the applicant is very tree conscious and doesn't want to remove any trees if it can be avoided. Chairman Gilgoff asked if the Board allowed him to put in a garage, to provide protection and shelter from seeing the cars for the neighbors, there is room to do that. Nick Gioello pointed out that the request is to allow an encroachment into the front setback, not for the type of building, so the Board's duty is to determine if you want to reduce the front setback from 20 ft. to zero feet for this request.

Board Member Gordon asked if the applicant considered placing the two carports back-to-back or in tandem and Nick indicated that would be a question for the applicant, and then pointed out that in the aerial view to the left of that carport, the ground starts to slope off, which would be an issue in addition to the meters that are in the way.

Applicant, Rinzai Zwerin, Sedona, AZ: Asked how many of the Board Members are married, and then explained he was asking in relation to the question about tandem carports. He then asked the board to imagine if his car was in the way of his wife's car -- it would be crazy. The Chairman noted that he has one space that is in tandem, so he understands those issues.

Board Member Beddome referenced the aerial view and indicated that he appreciates the fact that the applicant is tree conscious, but he was thinking that open carports only shelter the cars a little bit and he personally wouldn't want a carport if he had room for a garage; however, he understands that the applicant is requesting a variance from the setback. Mr. Zwerin explained that he thinks it would do the job; they built the other carport a few years ago and it is amazing that on frosty mornings and in monsoon rains her car is dry. It is amazing how much a carport does, and in thinking about the impact of putting something in the setback, having four posts with a little roof is much less of an intrusion on the setback, and they don't need a garage, because he has an office. Board Member Beddome explained that he isn't trying to inhibit anything; he was just wondering if the applicant felt inhibited and that this is the best that would be allowed. The applicant indicated it was nice of the Board Member to ask; they did discuss it and decided a carport would do the job.

Board Member Beddome then asked staff, if the variance is granted as requested and the applicant or a future owner decided to build a garage in the future, could a garage be built with a Building Permit. Nick explained that would be a Director's interpretation if a future owner wanted to convert the carports into a garage. Staff would probably look at the impact of putting four walls on an existing structure, but if they wanted to tear them down and build a 2-car garage and make it different, we would probably have to request a new variance.

Chairman Gilgoff indicated that if the variance is granted, the Board can word the approval to allow them to do it and that would give staff the basis to approve it in the future. It is the Board's prerogative to do that. Nick pointed out that the Board could add a condition.

Board Member Gordon asked if a variance was needed for the existing carport and Nick indicated no; the applicant's site plan shows that the existing carport is at the edge of the setback.

Chairman Gilgoff expressed that he has one concern for the applicant; he appreciates the desire to do this and protect the tree, but it is going to affect the resell value of his house and maybe that of the neighbor's, because people don't like to look at cars from the street and that is why people hide garages and put the doors on the side of the house, and for some reason,

staff doesn't particularly honor junipers in the City; they honor pine trees, so if you plan to live in the house a long time, taking down a juniper tree to make a proper two-car garage will add significant resell value to the house, and then you could plant a nice pine tree or something else to replace the juniper. He is just saying that from a practical standpoint that might do you better and we can grant you a variance to do it, but before you invest money in something that is kind of not a wonderful aesthetic solution to protect a juniper tree . . . there are lots of them here.

Nick explained that not to disagree with the Chairman, but from the City's past and what we do, we encourage the retention of all native vegetation, regardless of the race or species of the tree and that needs to be said.

Board Member Gordon stated that he shares the concern about the aesthetics and Vice Chairman Rich added that his concern is that since this carport will be built to the property line, he wondered if there is a survey to show where the property line is. The applicant indicated that this is the legal site plan and there are pins there. The Vice Chairman explained that if you look at the left-hand edge of the photograph, there are utilities that would be in franchise and if you draw that around, something doesn't add up. Nick explained that he doesn't have the ability to verify property lines, but he agrees that there can be discrepancies.

Chairman Gilgoff indicated that the Board wants to ensure that it is not off of the property and Vice Chairman Rich repeated that there needs to be a survey with monuments in the field. He looked at it and saw the underground utilities and they are placed in franchise, which is City right-of-way, and if he puts it on top of those underground utilities and there is a gas pipeline that goes along the side of the house, is he restricting the ability and is that pipeline in an easement or in franchise or on private property?

Chairman Gilgoff stated that he doesn't think that all utilities are necessarily at the property line; for example, that telephone box and probably the water box may be recessed into the property. He knows the way the streets are laid out in Sedona and many times a survey showing a cul-de-sac isn't really where the cul-de-sac is paved; it may be off by 10 ft. to 15 ft., but he understands the point and his point would be to make sure that if the right to build within the setback is granted, that it is actually the setback and not the City's right-of-way. Nick suggested that to ensure that, the Board can add a condition that a field survey with pins will be submitted to the City prior to the issuance of the Building Permit, to verify the location. Vice Chairman Rich explained that he is just looking after the City's interest and Nick added that staff doesn't have the ability to figure out where property lines are and we have had that type of issue in the past. For example, when someone wants to build a fence and the neighbor challenges where that fence is going, the City has to tell them to get a survey, so it would be the same thing in this case. If there are no pins there, and even if there are, on a radius, it is difficult to figure it out.

Vice Chairman Rich explained that the carport is being built within zero . . . the carport was shortened to 17 ft. versus 20 ft. to make it fit, so he is putting it right on the property line and that would be his concern. Board Member Gordon indicated that he assumes that there are no utility easements on this part of the property, and Chairman Gilgoff noted that could be a problem for the owner in the future. Nick Gioello indicated that he can check that, and Vice Chairman Rich pointed out that it is an issue if you sell a property with something built in the City's right-of-way and Nick agreed. The Vice Chairman then added that if a property is sold, it will be surveyed. Nick again stated that there could be a condition requiring a survey to be provided prior to . . . he has to have a Building Permit to build this, if the variance is granted.

Chairman Gilgoff asked if it is the City's position that to save a tree, you would give zero setback . . . that is a strange position. Nick explained that it is mentioned in the variance that things like saving native vegetation is one of the reasons, but it doesn't say specifically for zero setback. The Chairman pointed out that in the past it has been like two feet this way or that

way, but not like 20 ft. or 17 ft. into the front yard setback. Nick explained that staff looked at this like it is a different kind of property. If it was along a regular collector street, staff probably would not be here to do this. It is on a cul-de-sac that is pretty wide and that was one of the factors he looked at. The house was placed at an angle to the property and there is no other place to put one.

Vice Chairman Rich noted that he has no problem in granting the variance for this; his only concern is that we need to ensure that it is not built in the City's right-of-way. Chairman Gilgoff stated that the Board can condition that.

Mr. Zwerin pointed out the locations of two existing corner pins on the property; one is between the electric and the phone and another pin is in the 6 ft. to 7 ft. driveway between his property and his neighbors, and then you can draw a curve with a little geometry. He then identified the location of the water meters in the bush by the garbage cans and indicated that they are almost 15 ft. into the setback. The Chairman asked if there is a pin on that side at the pavement and the applicant indicated not on the pavement . . . the setback; it is a setback pin. It is not where the existing carport is; it is in the front and the new carport would be parallel. The posts wouldn't go to the change in pavement, but the roofline overhang would be close.

Chairman Gilgoff indicated that the new carport was drawn as a trapezoid, not as a rectangle and the applicant referenced the measurements; the Chairman then asked if the applicant planned to do that and the applicant explained that it is going to match the angles. The Chairman noted that you have to be able to get a car in it and the applicant indicated it would still be about 10 ft., but he is not a Civil Engineer; they are square.

The Chairman opened the public comment period and having no requests to speak, closed the public comment period.

Summary Discussion:

Nick Gioello asked if the Board wanted a condition about verifying the property lines and Vice Chairman Rich asked what type of drawings will be required for a Building Permit. Nick explained that staff will require a site plan, but it won't necessarily have to . . . he thinks it has to be stamped by an Engineer. The Chairman stated that every site plan has to identify where the house is being built, so why wouldn't staff verify where this is being built. Nick explained that when you go to the field, you can't really verify the property lines. The Chairman noted that the applicant has to flag the corners; however, Nick indicated that you can kind of tell when you are in the field, but you only start measuring when you think something is really off, and you try to figure it out the best you can or say that you need a survey.

Chairman Gilgoff indicated that he is afraid that when this starts construction, the neighbors will be in your face. Mr. Zwerin explained that he brought both of his neighbors over and asked them and not only were they like, well yes of course, one of them is an architect and suggested putting it in a better place than Mr. Zwerin originally had looked at. Nick added that everyone has been noticed and the only calls he received were from people a street or two away and they couldn't believe they were getting a notice, because it seemed too far away. The Chairman then stated okay, no problem, but it is up to the Board.

Board Member Gordon expressed surprise that the City is good with this; he finds it very disturbing. The Chairman then asked if there is a motion; however, Vice Chairman Rich indicated that he would like to add a condition that the Building Permit verify where the property line is and that it is not being built in the City's easement, because from the existing carport to the existing pavement, there is probably no more than 20 ft., but we are saying the property stake is by the utility boxes. He has been involved in too many things in his neighborhood, because people aren't sure where the street is and his neighbor built his fence half on his property, so he is very conscious of that. The Chairman noted that on his street, the front

property line is 17 ft. off of the cul-de-sac. He then asked if the Vice Chairman wanted to make a motion to include the verification.

MOTION: Vice Chairman Rich moved for the approval of case number V2011-3 based on compliance with required ordinance findings as set forth in this Staff Report and that the property line be verified . . .

Prior to the request for a second to the motion, Nick Gioello asked about adding that as a new condition and the Vice Chairman stated "with the added condition that the Building Permit include verification of the property line." The Chairman stated that the Vice Chairman is saying that the Building Inspector verifies the location of the property line and the carport before construction commences. Nick Gioello explained that it may be better to say that the applicant provide information that we can verify the property line with. The Chairman then stated that the Board wants to dictate it the way you would like to see it, and Nick explained that staff can have the applicant provide adequate information so the City can verify the actual location of the front property line, and that could be a survey or something similar. The Vice Chairman stated that if there are existing pins to mark it out . . ., the Chairman interjected something acceptable to the City. Nick agreed and added that if the pins don't look accurate . . ., the other thing is that by going by existing pins, if they were done 10 years ago, the accuracy today is much better with GIS and we are starting to find a lot of discrepancies in this area, sometimes by more than a couple of feet.

The Chairman summarized that we are adding another condition and asked the Recording Secretary to read back what she has. The Recording Secretary read, "The applicant shall provide adequate information so the City can verify the front property line." The Recording Secretary then asked for a reading of the actual motion and Nick Gioello requested that the motion indicate with the addition of the revised conditions.

MOTION: Vice Chairman Rich moved for approval of case number V2011-3 based on compliance with the required ordinance findings as set forth in this Staff Report including the added Condition #3. Board Member Beddome seconded the motion. VOTE: Motion carried three (3) for and one (1) opposed. (Gordon opposed and Gillon excused)

- C. Discussion/possible action regarding a request for a variance to construct a two-car garage within the required front setback in the RS-10b (Single-family Residential) zoning district. The subject property is located at 49 Prochnow Road and is further identified as Assessor's Parcel Number 401-20-005. A general description of the area affected includes but is not necessarily limited to the area south of Prochnow Road, between Cypress Lane and Abbott Road. Applicant: Mitch Head & Nancy Clark. Case Number: V11-4**

Nick Gioello indicated that this is case number V2011-4 and the applicant is requesting to construct a two-car garage, and because of the location of the house and less than adequate width of the property per the zoning standards, the only location that is viable for the garage would be in the front and several feet into the side yard setback. Again, staff doesn't feel it is an unusual request. They have a garage; the house was built without one or a carport and the unusual circumstance is less than a minimum width on the property. Also, it is in a unique area where there are a number of similar encroachments and substandard properties in size and width. We discussed trying to put one in the backyard, where there is room, but the problem envisioned is that what is in front of the house then becomes a driveway, and there is an existing driveway that comes close to two other existing houses that encroach into their rear yards and close to the property line. It is 80 ft. long, and it pretty much would take out the entire backyard where you would expect to have a quieter place, plus it talks about having gardens back there in the future and there is existing landscaping and a small courtyard. There is a six-foot block wall in the front yard that would come down and staff feels that putting the garage partly in that front setback would not be detrimental in this neighborhood.

Board's Questions:

Board Member Beddome asked if the block wall comes down and Nick indicated yes and as he recalls the whole thing is going to come down; however, the applicant indicated no.

Applicant, Mitch Head, Sedona, AZ: Explained that the only part of the block wall that would come down would be the area that covers what is the gravel driveway, up to the . . . the Chairman interrupted to say, so you just cut it off so you have access, and the applicant continued to say, up to where the garage would be.

Chairman Gilgoff asked if the 10 ft. is Fire Code and Nick explained that all Zoning Districts have a 10 ft. separation between buildings and he thinks it is based on Fire Code, so if something catches on fire, it takes X amount of time before jumping to the next building. The Chairman commented that otherwise, it could be moved back if there was some leeway. The seven foot setback for the side yard is fine; it is seven feet in most districts.

Vice Chairman Rich indicated that he looked at it and didn't realize that Los Abrigados was right across the street, and there is the one photograph with the water tank, so he understands leaving the block wall. The Chairman asked if the block wall is on the property line and the applicant indicated that they just had it resurveyed and it is on their property line. The Chairman pointed out that there is quite a bit of room between the front of the wall and the pavement. The applicant explained that he measured about three feet, but he doesn't know exactly where the pavement is supposed to be. Chairman Gilgoff stated that would actually give three more feet of an apparent setback, even though it isn't. The applicant then explained that when pulling out of the driveway, he will have better visibility with the wall down and the garage there than with the wall the way it exists now.

Chairman Gilgoff opened the public comment period and having no requests to speak, he closed the public comment period and asked if there is a motion.

MOTION: Board Member Gordon moved for approval of case number V2011-4 based on compliance with required ordinance findings as set forth in this Staff Report. Vice Chairman Rich seconded the motion. **VOTE:** Motion carried four (4) for and zero (0) opposed. (Gillon excused)

- D. Discussion/possible action regarding a request for a variance to exceed the maximum freestanding sign height limit for one existing and two new proposed signs for the Verde Valley Medical Center located in the PD (Planned Development) zoning district. The applicant is requesting the additional height so that visibility issues caused by terrain and vegetation can be improved for the emergency services provided by the medical center. The subject property is located at 3700 West S.R. 89a and is further identified as Assessor's Parcel Numbers 408-11-402A and 408-11-402F. A general description of the area affected includes but is not necessarily limited to the area north of the intersection of S.R. 89a and Foothills Drive South. Applicant: Verde Valley Medical Center. Case Number: V11-5**

Nick Gioello explained that the applicant is requesting a variance from the way we measure the sign heights in the Sign Code. They have an existing freestanding sign on Foothills South Drive on the north side of the highway that they would like to reconstruct to change the height, and then add two freestanding signs. He has provided an analysis of why staff thinks a variance is appropriate in this case, and the number one issue is the visibility of the main topic of each of these signs, which is emergency, because the hospital has the only 24-hour, seven day-a-week emergency services in the City, which is unique and beneficial to the entire community. They have received numerous complaints about not being able to see where to turn, especially for people who are new to the area or visiting. There have been issues trying to find the hospital, especially at night, so given the nature of the request, it is not an unusual request. Additionally, we have a revised site plan that shows more accurately the locations of the two new signs. Nick explained that if anyone is wondering why they get three freestanding signs, the Code allows a freestanding sign on each street frontage of a property, and the hospital has two street frontages; one is the highway and one is Foothills South Drive, but on

the other side of Foothills South Drive, it is actually a separate property, and since they have a parking lot on that side, staff felt it was enough of an improvement on that property to allow a freestanding sign. Staff walked the site with the applicant and the sign contractor and chose those two areas based on the ability to give maximum visibility to cars coming from different directions. With the two new freestanding signs, we are just raising the ground up to the level of the sidewalk, which causes the sign to be over height; the ground slopes off from the highway 3 ft to 5 ft. in those areas, but they technically aren't asking for giant signs, they are asking to make the ground level to give it a starting point, so it can be seen from a number of feet. The sign on Foothills South Drive is a little taller and its terrain is about six feet below the level of the highway, so it was felt that request was appropriate.

Board Member Gordon indicated that ADOT maintains a 34 ft. right-of-way from the edge of the street and Nick clarified that it is 33 ft. or 34 ft. from the edge of the curb. The Board Member stated that he assumes these signs are clearing that and Nick indicated yes. Board Member Gordon then asked about the reference to 100 ft. from the center line of the future right-of-way and Nick indicated that he is not certain. The Chairman stated that is future right-of-way, if they want to widen the highway, and Board Member Gordon explained that he thought that is what the 34 ft. was about; however, the Chairman pointed out that you can add the current 66 ft. to the 34 ft. Vice Chairman Rich then stated that if ADOT was to acquire that right-of-way, they would be responsible for relocating the signs and Nick Gioello indicated that would be ADOT's call as to if they would have to move the sign or compensate them for removing the signs, but he can't answer for ADOT. We may be able to ask the applicant if he knows what that means.

Applicant, Rick Peterson, Vice President of Facilities Support Services, Verde Valley Medical Center: Explained that as far as the 100 ft. setback, there are similar signs at their campus in Cottonwood and they had that same question about six years ago. S.R. 89A shows a 100 ft. future right-of-way at that location as well, and they placed the sign on their campus at Willard Street and Candy Lane within that 100 ft., because they wanted people to see the sign, plus it may be something that ADOT enforces at some time down-the-line or it may not be. Chairman Gilgoff asked if ADOT required a permit and Mr. Peterson indicated no, just the typical setback was required.

Board Member Gordon pointed out that if one or both of these properties changed hands or purposes, he wouldn't want the signs changed to Joe's Used Cars. Nick indicated that is a good point and that can be conditioned that it is only for the purpose of identifying the medical center and its uses.

Board Member Beddome indicated that he has lived here many years and had to take his wife there many times, and even when he knew the place, he had to slow down to find the driveway, so he is happy that this is an issue to discuss.

Chairman Gilgoff indicated that he has an issue with the sign in that the most important thing on the sign is the word "emergency", so why is the logo the most prominent thing on the sign; nobody understands what that means. It doesn't mean anything. Mr. Peterson indicated that he respectfully disagrees, and the Chairman indicated that he understands, but why not move "emergency" up and move the logo down and on the side, just to identify the facility. Nobody is going to look for the right entrance because of that logo; he has lived here 23 years and he doesn't recognize the logo, so you haven't done a great job of promoting the logo. He likes your hospitals and medical centers, but that is the most visible thing on the sign, because it is in white and at the top. Mr. Peterson indicated that the two signs on S.R. 89A, and he appreciates the board's consideration of this request and staff's work with them to get this possible solution, but the signage on S.R. 89A specifically addresses emergency. If you look at the third sign, we don't list the services offered at the facility, we want the ED to be very prominent. It is a special function, not like they are trying to sell widgets, etc. It is unique in that respect, and people coming to the emergency room are specifically looking for that and that is what the sign is there for. Chairman Gilgoff agreed and asked why the logo is the most prominent thing on the sign then. Mr. Peterson indicated that he thinks they are equally prominent and it falls within their standards of placement for their logo, font, etc. The Chairman then stated that he doesn't see a reason to allow an additional two feet in height to stick the logo up in the air. If you want to put "emergency" up there, he sees it, because that is important to the public, but it is not important for the public to see your logo on white high up in the air. The Chairman then asked if Mr. Peterson can justify that to him and Mr. Peterson repeated that it is their logo and . . . Chairman Gilgoff interrupted to say, good for you, but every other sign in the City of Sedona has a maximum of about six feet and you are asking for 12 ft., because you are a hospital and want to ensure people know this is the place to stop for an emergency

and not miss it, but the top piece is not for emergency, the top piece is an advertisement, so it is just like him sticking a sign on top saying "Joe's Used Cars" on top of the emergency sign.

Mr. Peterson indicated that he understands the Chairman's point and the sign is kind of a standard sign they have used on the campuses at Cottonwood and Camp Verde, but looking at requesting a variance, he thinks they would be agreeable to putting the logo underneath "emergency" and incorporating it where "Verde Valley Medical Center" is. The Chairman indicated that would be fabulous and Board Member Gordon indicated that he is totally in agreement. Chairman Gilgoff indicated that also for the public benefit, it is a trauma emergency center, so the physician center is secondary, but you may also want to indicate something like that on the sign; however, that is none of his business, he is more concerned with the Code, but you may want to indicate that it is a place for the primary physician center too and there is no indication on any of these things. Vice Chairman Rich then pointed out that it says that at the bottom.

The Chairman opened the public comment period.

Lenore Devore, Sedona, AZ: Indicated that she has not only worked in the Emergency Department for the last 12 years, she is also a community member and lives in Sedona. Between the Verde Valley and Sedona Medical Center, and most recently just at Sedona Medical Center for the last six years, not a week goes by that they don't have a complaint from a visitor or a local person that can't find them. She provided an example of a lady who brought her sister in yesterday with chest pains from out-of-town, and she wasn't able to find their facility. She was misdirected to the Urgent Care, which doesn't have the same capabilities and had to be routed by ambulance to the Emergency Department, because she was in that much distress. The first thing she said was about signage. She drove as far as the high school, and then stopped at Walgreens where she was directed to the Urgent Care. A written copy of this example was provided to the Recording Secretary for the record.

Vice Chairman Rich asked if other than the height, the sign meets the Code and the only variance is the height and Nick indicated that is right; it meets the sign copy requirements. Chairman Gilgoff referenced the large drawing and indicated that it says 23.61 sq. ft. and asked what that means. Nick explained that is the calculation of the word copy for the area of lettering and the logo, and that is how the sign copy is measured, so when we say that a sign can be 20 sq. ft., we are talking about 20 sq. ft. of words, so "Emergency" is in 12-inch letters, and the applicant measured the word "emergency" and the square feet for the arrow, and that is probably about right. The Chairman then asked what the Code is as far as area for the sign and if the sign is within the Code. Nick indicated yes and explained that they get 20 sq. ft., and then when you have raised letters, you get a bonus increase that gets it up to 24 sq. ft. for a freestanding sign, so they are under.

Chairman Gilgoff then asked if the 12 inches is adequate for the distance that you want to be able to see the sign. The Board can grant the right to exceed that if it is needed, to have the lettering for "emergency" larger. Mr. Peterson indicated that they would appreciate that flexibility, because they are going to rearrange it now. The Chairman indicated that if "Verde Valley Medical Center Sedona Campus" was left-justified, there would be plenty of room to put a raised logo on the right, and that would make the word "emergency" larger, and get rid of the arrow, then it would give you the flexibility to have 15-inch letters, so the visibility would be greater down the highway.

Nick asked if the Chairman is just talking about giving them the ability to go to 26 sq. ft. of word copy. The Chairman suggested giving them the ability to raise the size of the word "emergency" to anything they feel is necessary to see the sign; this is a hospital, not a garage. Nick pointed out that it will be constrained by the 9 ft. in width. The Chairman agreed and Vice Chairman Rich noted that they can't go much higher in font; however, the Chairman indicated that if they get rid of the arrow, they can make it quite a bit wider and higher. Nick suggested exempting the word "emergency" from the calculation of the sign copy and the Chairman stated, perfect. We aren't trying to design their sign, but we want to give them the room.

Mr. Peterson then referenced a letter from Alan Everett and the Chairman indicated that the Board had received the letter. The Chairman then asked if anybody else from the public wanted to speak and having no additional requests, he closed the public comment period.

Summary Discussion:

Nick Gioello indicated he has some revisions for the things the Board has come up with, so he will read it and the Board can say if that is what you are after. Vice Chairman Rich stated that since there are already turn lanes there, if they do a signal in the future, it doesn't look like there would have to be any modifications and Nick agreed not where these signs are going.

The Chairman indicated that one issue people may have is coming out of the medical center and crossing the highway to make a left turn, because people are just coming off of a 55 mph speed limit and may not slow down. The Chairman then asked if there is a sign on the other side of the highway and Mr. Peterson stated no and Nick explained that is not allowed. The Chairman pointed out that it is for a medical facility, and asked if we don't allow it in Sedona. Nick explained that off-premise signs aren't allowed, but they can get one of the highway signs through ADOT. Vice Chairman Rich indicated that there is one.

Nick Gioello then read the following changes to the Conditions:

- Revision for Condition #1: Add at the end, "... per the applicant's site plan and supporting documents and revised sign design with the word 'emergency' at the top of the sign. The word 'Emergency' shall be exempted from the sign copy measurement restrictions of the Land Development Code."
- Add Condition #3: "Any change in use of the property from medical and emergency uses shall require the signs to be reduced in height to the allowable standards of the Land Development Code." The Chairman then added at the end, "... at the time of change of ownership"; however, Nick indicated it would say at the end, "... at the time of change of use."

Vice Chairman Rich indicated that he looked forward to that property expanding sometime in the future and the Chairman then asked for a motion.

MOTION: Board Member Gordon moved for approval of case number V2011-5 based on compliance with required ordinance findings and conditions as set forth in this Staff Report. Board Member Beddome seconded the motion.

The Recording Secretary asked if the Board Member stated "revised conditions". Board Member Gordon indicated that he just said conditions, because there was nothing about conditions in here. Nick asked if the Board Member could redo that and say, "... and the revised conditions."

AMENDED MOTION: Board Member Gordon moved for approval of case number V2011-5 based on compliance with required ordinance findings as set forth in this Staff Report and the revised conditions. Board Member Beddome seconded the amended motion. VOTE: Motion carried four (4) for and zero (0) opposed. (Gillon excused)

4. Adjournment.

Chairman Gilgoff asked for a motion to adjourn.

MOTION: Vice Chairman Rich moved to adjourn the meeting. Board Member Beddome seconded the motion. Chairman Gilgoff then announced that the meeting was adjourned at 2:10 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Board of Adjustment held on December 2, 2011.

Donna A. S. Puckett, Recording Secretary

Date